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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/013,490    01/26/98    TUZHILIN    A    2011/13

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LM12/0413

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EXAMINER

LEE, T

ART UNIT	PAPER NUMBER
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2758

DATE MAILED: 04/13/00

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No.

09/013,490

Applicant(s)

TUZHILIN ET AL.

Examiner

Tammy T. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 1998.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
  2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
  3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

**Attachment(s)**

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 17) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: \_\_\_\_\_.

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### **Detailed action**

1. Claims 1-37 are presented for examination.

### **Claim Rejection -- 102(e)**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 37 1(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1, 3-7, 10-18, 21-24, 29-32 and 37 are rejected under 35 U.S.C. § 102(e) as being anticipated by Breese et al (hereinafter Breese), patent no. 6,006,218.

3. As to claim 1, Breese teaches that an apparatus for monitoring and exploring data on a network and notifying one or more users of the results, the apparatus comprising a server coupled to one or more client stations and to the network, the client stations each for use by the one or more users, the server comprising:

a computer processing device (computer system 120, fig 1),

a storage device (col. 4, line 27),

a memory device (memory 126),

an agent creation/modification element (a collaborative adjusting/correcting filter, col. 2, lines 32-33) for creating/modifying a computer program which visits and sends data back from

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the network according to instructions specified by one or more of the one or more users (col. 2, line 26-col. 3, line 31 and col. 5, lines 14-19), and

a database allocation (information database 106, fig 2A) and search element (search engine, 130, fig 2A) for searching data according to instructions specified by one or more of the one or more users (col. 7, line 59-col. 9, line 50).

4. As to claim 3, Breese disclose that the data searched by the database allocation and search element is located on the network (col. 4, line 62-col. 5, line 6 and col. 8, line 62-col. 9, line 50).

5. As to claims 4 and 5, Breese disclose that the data searched by the database allocation and search element is located on the monitoring site and the monitoring site maintains one or more account files for each of the one or more client stations (col. 3, lines 23-32 and col. 7, line 59-col. 8, line 14).

6. As to claim 6, Breese disclose that the instructions specified by one or more of the one or more users are in the form of monitor/probing rules (col. 3, line 23-32 and col. 7, line 59-col. 8, line 14).

7. As to claim 7, Breese disclose that the network is the internet (col. 4, line 49-61 and col. 6, lines 23-31).

#### **Claim Rejection – 103(a)**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 8-9, 19-20, 25-28 and 33-36 rejected under 35 U.S.C. § 103 (a) as being unpatentable over Breese et al (hereinafter Breese) patent no. 6,006,218.

9. As to claims 2 and 8, Breese teach the invention substantially as claimed; however, Breese does not explicitly teach the server comprises a rule interpretation element and the rule interpretation element includes SQL interpretation means.

Official Notice is taken that rule interpretation element and SQL are well known.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine well known features with teaching of Breese for providing rule interpretation element and SQL in the system because it would define and access information records in a variety of relational databases.

10. As to claim 9, the database allocation and search element includes SQL query means is well known.

11. Claims 10-37 have similar limitations as claims 1-9; therefore, they are rejected under the same rationale.

12. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. Failure to respond within the period for response will result in Abandonment of the application (see 35 USC 133, MPEP 710.02, 710.02(b)).

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammy Lee, whose telephone number is (703) 308-9119. The examiner can normally be reached Monday through Friday from 7:30 AM to 4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SPE Ahmad F. Matar, can be reached at (703) 305-4731.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.


Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231

or faxed to: (703) 305-7201 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Tammy Lee  
Patent Examiner  
March 30, 2000

  
ZARNI MAUNG  
PRIMARY EXAMINER